



IN THE UNITED STATES PATENT OFFICE

In re patent application of:)	
Henry Graf)	Before the Examiner:
)	Anuradha Ramana
Application No.: 10/760,142)	
)	Group Art Unit: 3732
Filing Date: January 16, 2004)	
)	
INTERVERTEBRAL)	
STABILIZING DEVICE)	

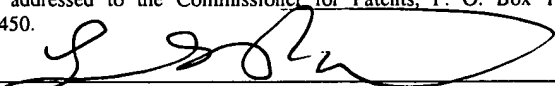
RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)
FILING DATE GRANTED

Mail Stop MISSING PARTS
 Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

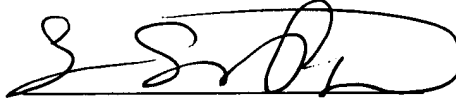
In response to the Notice to File Missing Parts of Application, Filing Date Granted mailed April 26, 2004, Applicant encloses herewith the fully executed Declaration and Power of Attorney; a check for \$1,010.00 for a Large Entity for the statutory basic filing fee, and the late oath surcharge. This filing fee is the amount resulting from entry of a Second Preliminary Amendment being filed simultaneously with this Response to Notice of Missing Parts. Also, a Petition to Extend the Time to respond up to July 26, 2004 is provided herewith along with a check in the amount of the requisite fee. The return copy of the Notice is also enclosed.

"Express Mail" Label No. EV 432598609 US Date of Deposit: 16 July 2004
 I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.


 Signature of person mailing paper or fee: L. Scott Paynter

The Commissioner is authorized to provide any further extension of time and charge any deficiencies or credit any overpayments to Deposit Account No. 23-3030, but not to include payment of issue fees.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'L. Scott Paynter', written over a horizontal line.

L. Scott Paynter

Reg. No. 39,797

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07-19-04

LPW
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,142	01/16/2004	Henry Graf	4002-3469

30565
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
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INDIANAPOLIS, IN 46204-5137

CONFIRMATION NO. 7214

FORMALITIES LETTER



OC000000012451110

Date Mailed: 04/26/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$290 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1190 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$290

07/20/2004 MBELETE1 00000020 10760142
01 FC:1001
02 FC:1051

770.00 OP
130.00 OP

- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE